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EXAMINER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,779	<b>Applicant(s)</b> GOPALAKRISHNAN ET AL.	
	<b>Examiner</b> SARAH K. SALERNO	<b>Art Unit</b> 2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 and 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's amendment/arguments filed on 06/04/09 as being acknowledged and entered. By this amendment claims 40-42 are canceled, no new claims have been added, claims 1-39 & 43 are pending and no claims are withdrawn.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 9-17, 18-20, 32-36, 39 and 43 rejected under 35 U.S.C. 102(b) as being anticipated by Akimoto (US PGPub 2002/0117689 of record).

Claim 1: Akimoto teaches a semiconductor device, comprising: a multi-region body including a first region (22) dominated by charge carriers of a first polarity that extends to a first junction, a second region (23) dominated by charge carriers of a second polarity, opposite the first polarity, that extends to a second junction, and an intermediate region (24) having an effective length extending from the first junction to the second junction; and a gate (20) located over one of the junctions and laterally offset from the other junction, capacitively-coupled to the body and adapted for using a control signal, when the body is reversed biased, to modulate the effective length of the intermediate region to a nonzero value by changing a concentration of carriers in a

portion of the intermediate region extending from the second junction and offset from the first junction (FIG. 1A-1B; [0071-0072]).

It is noted that where the claimed and prior art products are identical or substantially identical in structure or composition or are produced by identical or substantially identical processes, claimed properties or functions are presumed to be inherent. In re Best, 195 USPQ 430, 433 (CCPA 1977). It has also been held that products of identical chemical composition cannot have mutually exclusive properties. A chemical composition and its properties are inseparable. Therefore, if the prior arts teach the identical chemical structure the properties applicant discloses and/or claims are necessarily present. In re Spada, 15 USPQ 2d 1655, 1658 (Fed. Cir. 1990). In this case the semiconductor device taught by Akimoto would act as claimed when the body is reversed biased because the semiconductor device contains the appropriate first, second and intermediate regions, proper doping, and gate location as structurally required by the claim.

Claim 2: Akimoto teaches the gate is further adapted to cause the device to transition between a current-conducting state in which the device is in an avalanche breakdown condition and a current-blocking state (FIG. 1A-1B; [0071-0072]).

Claim 3: Akimoto teaches means for modulating an electric field within the body to cause the device to transition between a current- conducting state in which the device is in avalanche breakdown condition and a current-blocking state (FIG. 1A-1B; [0071-0072]).

Claim 4: Akimoto teaches a relatively high bias voltage at the gate maintains the device in a current-conducting state in which the device is in an avalanche breakdown condition, and wherein a relatively low bias voltage at the gate maintains the device in a current-blocking state (FIG. 1A-1B; [0071-0072]).

Claim 5: Akimoto teaches the relatively high bias voltage shortens the effective length of the intermediate region (FIG. 1A-1B; [0071-0072]).

Claim 6: Akimoto teaches a relatively low bias voltage at the gate maintains the device in a current-conducting state in which the device is in an avalanche breakdown condition, and a relatively-high bias voltage at the gate maintains the device in a current-blocking state (FIG. 1A-1B; [0071-0072]).

Claim 7: Akimoto teaches the relatively low bias voltage shortens the effective length of the intermediate region (FIG. 1A-1B; [0071-0072]).

Claim 9: Akimoto teaches the gate is located at least predominantly over the intermediate region (FIG. 1A-1B; [0071-0072]).

Claim 10: Akimoto teaches the gate is located to provide a surface channel nearer the second junction than the first junction (FIG. 1A-1B; [0071-0072]).

Claim 11: Akimoto teaches wherein when the body is reversed- biased, the first region is maintained at a relatively lower voltage level than the second region, the difference in potential of the first and second regions being sufficient to cause a breakdown condition in the intermediate region in response to the control signal modulating the length of the intermediate region and thereby reducing the distance

across the intermediate region over which the potential drops (FIG. 1A-1B; [0071-0072]).

Claim 12: Akimoto teaches the intermediate region has a polarity that is neutral relative to the polarity of the first and second regions (FIG. 1A-1B; [0071-0072]).

Claim 13: Akimoto teaches the intermediate region is lightly doped to achieve the polarization of one of the first and second regions, the intermediate region having a substantially lower dopant concentration level, relative to said one of the first and second regions (FIG. 13).

Claim 14: Akimoto teaches the intermediate region is substantially intrinsic (FIG. 1A-1B; [0071-0072]).

Claim 15: Akimoto teaches the gate is further adapted to cause the device to transition between a current-conducting state in which the device is in an avalanche breakdown condition and a current-blocking state in which substantially no leakage current passes between the first and second regions drops (FIG. 1A-1B; [0071-0072]).

Claim 16: Akimoto teaches a controller coupled to the gate and adapted for applying the control signal to change the concentration of carriers in the intermediate region ([0001-0020])

Claim 17: Akimoto teaches the gate is further adapted to increase an electric field in the intermediate region and for causing an avalanche breakdown condition drops (FIG. 1A-1B; [0071-0072]).

Claim 18: Akimoto teaches a semiconductor device comprising:

a multi-region body including a P-type region (23), an N-type region (22) and an intermediate region (20) having a first junction with the P-type region and a second junction with the N-type region, the body adapted to be reverse biased across the P-type and N-type regions; a gate (20) coupled via an intervening gate dielectric material to the intermediate region, located over one of the junctions and laterally offset from the other junction to present an electric field substantially at only one of the two junctions;

and the gate, the P-type region and the N-type region being adapted and controllable to switch the device between at least two stable conductance states in response to a voltage-bias control signal applied to the gate (FIG. 1A-1B; [0071-0072]).

It is noted that where the claimed and prior art products are identical or substantially identical in structure or composition or are produced by identical or substantially identical processes, claimed properties or functions are presumed to be inherent. In re Best, 195 USPQ 430, 433 (CCPA 1977). It has also been held that products of identical chemical composition cannot have mutually exclusive properties. A chemical composition and its properties are inseparable. Therefore, if the prior arts teach the identical chemical structure the properties applicant discloses and/or claims are necessarily present. In re Spada, 15 USPQ 2d 1655, 1658 (Fed. Cir. 1990). In this case the semiconductor device taught by Akimoto would act as claimed when the body is reversed biased because the semiconductor device contains the appropriate first, second and intermediate regions, proper doping, and gate locations as structurally required by the claim.

Claim 19: Akimoto teaches the device is switched between a high-resistance conductance state and a low-resistance conductance state as a function of an avalanche breakdown condition at a field-induced junction in the intermediate region (FIG. 1A-1B; [0071-0072]).

Claim 20: Akimoto teaches the intermediate region has a length that separates the first and second junctions sufficiently to permit the avalanche breakdown condition before another breakdown condition when the body is reverse biased (FIG. 1A-1B; [0071-0072]).

Claim 32: Akimoto teaches a semiconductor device, comprising: a multi-region body including a first region (142) dominated by charge carriers of a first polarity that extends to a first junction, a second region (143) dominated by charge carriers of a second polarity opposite the first polarity that extends to a second junction, and an intermediate region (144) having an effective length extending from the first junction to the second junction; and first (140) and second (141) gates coupled to the body via intervening dielectric material and adapted for using control signals, when the body is reversed biased, to present an electric field substantially at one of the first and second junctions, the body responding to the electric field by switching from a stable conductance state to a current-conducting state in which the body is in an avalanche breakdown condition biased (FIG. 15; [0071-0072; 00197-0201]).

It is noted that where the claimed and prior art products are identical or substantially identical in structure or composition or are produced by identical or substantially identical processes, claimed properties or functions are presumed to be



inherent. In re Best, 195 USPQ 430, 433 (CCPA 1977). It has also been held that products of identical chemical composition cannot have mutually exclusive properties. A chemical composition and its properties are inseparable. Therefore, if the prior arts teach the identical chemical structure the properties applicant discloses and/or claims are necessarily present. In re Spada, 15 USPQ 2d 1655, 1658 (Fed. Cir. 1990). In this case the semiconductor device taught by Akimoto would act as claimed when the body is reversed biased because the semiconductor device contains the appropriate first, second and intermediate regions, proper doping, and gate locations as structurally required by the claim.

Claim 33: Akimoto teaches the first gate is adapted to capacitively couple a first voltage-bias control signal to the body to accumulate carriers immediately adjacent to said one of the first and second junctions, the body being held in a steady state without the avalanche breakdown condition occurring absent a similarly-biased control signal capacitively coupled to the body from the second gate (FIG. 15; [0071-0072; 00197-0201]).

Claim 34: Akimoto teaches the first gate is adapted to capacitively couple a first voltage-bias control signal to the body to accumulate carriers immediately adjacent to said one of the first and second junctions, the body switching to the current-conducting state in response to a second voltage-bias control signal being capacitively coupled to the body, the first and second voltage-bias control signals being of similar bias (FIG. 15; [0071-0072; 00197-0201]).

Claim 35: Akimoto teaches the second gate is responsive to temperature and adapted to apply a control signal to the body that counters temperature-related effects that alter the creation of the avalanche breakdown condition in response to a control signal being applied by the first gate (FIG. 15; [0071-0072; 00197-0201]).

Claim 36: Akimoto teaches the second gate is adapted to apply the control signal to maintain a threshold voltage level in the intermediate region, the threshold voltage being a minimum amount of additional voltage applied to the intermediate region for causing the avalanche breakdown condition (FIG. 15; [0071-0072; 00197-0201]).

Claim 39: Akimoto teaches a semiconductor device, comprising: a multi-region body including a first region (22) dominated by charge carriers of a first polarity that extends to a first junction, a second region (23) dominated by charge carriers of a second polarity opposite the first polarity that extends to a second junction, and an intermediate region (24) having an effective length extending from the first junction to the second junction; and means for presenting, when the body is reversed biased, an electric field at the first junction and offset from the second junction, the body responding to the electric field by switching from a stable conductance state to a current-conducting state in which the body is in an avalanche breakdown condition and current passes in the body (FIG. 1A-1B; [0071-0072]).

It is noted that where the claimed and prior art products are identical or substantially identical in structure or composition or are produced by identical or substantially identical processes, claimed properties or functions are presumed to be

inherent. In re Best, 195 USPQ 430, 433 (CCPA 1977). It has also been held that products of identical chemical composition cannot have mutually exclusive properties. A chemical composition and its properties are inseparable. Therefore, if the prior arts teach the identical chemical structure the properties applicant discloses and/or claims are necessarily present. In re Spada, 15 USPQ 2d 1655, 1658 (Fed. Cir. 1990). In this case the semiconductor device taught by Akimoto would act as claimed when the body is reversed biased because the semiconductor device contains the appropriate first, second and intermediate regions, proper doping, and gate locations as structurally required by the claim.

Claim 43: Akimoto teaches a semiconductor device, comprising: a multi-region body having an upper surface and including a first region (22) dominated by carriers of a first polarity that extends to a first junction, a second region (23) dominated by carriers of an opposite polarity that extends to a second junction, and an intermediate region (24) having an upper portion over a lower portion and a length extending from the first junction to the second junction; a gate (20) capacitively-coupled to the body and adapted for using a control signal, when the body is reversed biased, to modulate the length of the intermediate region by changing a concentration of carriers in a portion of the intermediate region extending from one of the junctions and offset from the other of the junctions and thereby causing the device to transition between a current-conducting state in which the device is in an avalanche breakdown condition and a current-blocking state; and the avalanche breakdown condition occurring in the lower portion of the intermediate region, the upper portion of the intermediate region arranged to inhibit hot

carriers from the lower portion reaching the upper surface in a current-conducting state (FIG. 1A-1B; [0071-0072]).

It is noted that where the claimed and prior art products are identical or substantially identical in structure or composition or are produced by identical or substantially identical processes, claimed properties or functions are presumed to be inherent. In re Best, 195 USPQ 430, 433 (CCPA 1977). It has also been held that products of identical chemical composition cannot have mutually exclusive properties. A chemical composition and its properties are inseparable. Therefore, if the prior arts teach the identical chemical structure the properties applicant discloses and/or claims are necessarily present. In re Spada, 15 USPQ 2d 1655, 1658 (Fed. Cir. 1990). In this case the semiconductor device taught by Akimoto would act as claimed when the body is reversed biased because the semiconductor device contains the appropriate first, second and intermediate regions, proper doping, and gate locations as structurally required by the claim.

4. Claims 30, 31 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Akimoto et al. (US PGPub 2002/0117689).

Claim 30: Akimoto teaches a memory circuit comprising: a data storage node; first and second multi-region bodies, each body including a first region dominated by charge carriers of a first polarity that extends to a first junction, a second region dominated by charge carriers of a second polarity opposite the first polarity that extends to a second junction, and an intermediate region having an effective length extending from the first junction to the second junction; a first gate coupled to the first body via an

intervening dielectric material and offset for using a control signal, when the first body is reversed biased, to present an electric field substantially at only one of the first and second junctions of the first body, the first body responding to the electric field by switching from a stable conductance state to a current-conducting state in which the first body is in an avalanche breakdown condition and current passes between the data storage node and the first body; and a second gate coupled to the data storage node and to the second body via an intervening dielectric material and adapted for using a charge at the data storage node, when the second body is reversed biased, to modulate an electric field in the intermediate region of the second body, the second body responding to the electric field by switching from a stable conductance state to a current-conducting state in which the second body is in an avalanche breakdown condition and current passes through the second (FIG. 1-9, 18; [0061-0148, 0231-0243])

It is noted that where the claimed and prior art products are identical or substantially identical in structure or composition or are produced by identical or substantially identical processes, claimed properties or functions are presumed to be inherent. In re Best, 195 USPQ 430, 433 (CCPA 1977). It has also been held that products of identical chemical composition cannot have mutually exclusive properties. A chemical composition and its properties are inseparable. Therefore, if the prior arts teach the identical chemical structure the properties applicant discloses and/or claims are necessarily present. In re Spada, 15 USPQ 2d 1655, 1658 (Fed. Cir. 1990). In this case the semiconductor device taught by Akimoto would act as claimed when the body

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is reversed biased because the semiconductor device contains the appropriate first, second and intermediate regions, proper doping, and gate locations as structurally required by the claim.

Claim 31: Akimoto teaches a sense device coupled to the second body and adapted to detect data as a function of sensed current passing through the second body, and wherein the second gate is further adapted to influence an electric field substantially at only one of the first and second junctions ((FIG. 1-9, 18; [0061-0148, 0231-0243])

Claim 37: Akimoto teaches an inverter circuit comprising: first (44) and second (43) multi-region bodies, each body having a highly-doped P-type region (23p) that extends to a first junction, a highly-doped N-type region (22p) that extends to a second junction, and an intermediate region (24p) having a neutral polarity relative to the P-type and N-type regions and having a length extending from the first junction to the second junction, the N-type region of the first body and the P-type region of the second body being coupled to a common output node; first (20p) and second (20p) gates respectively capacitively coupled to the first and second bodies and each adapted, when the bodies are reversed biased, to modulate the length of the intermediate regions of the respective bodies by changing a concentration of carriers in the respective intermediate regions at one of the junctions and offset from the other junction; and an input node coupled to the first and second gates, wherein a change in input signal applied to the input nodes causes an inverted response in an output signal at the output node (FIG. 1-9, 18; [0061-0148, 0231-0243])

It is noted that where the claimed and prior art products are identical or substantially identical in structure or composition or are produced by identical or substantially identical processes, claimed properties or functions are presumed to be inherent. *In re Best*, 195 USPQ 430, 433 (CCPA 1977). It has also been held that products of identical chemical composition cannot have mutually exclusive properties. A chemical composition and its properties are inseparable. Therefore, if the prior arts teach the identical chemical structure the properties applicant discloses and/or claims are necessarily present. *In re Spada*, 15 USPQ 2d 1655, 1658 (Fed. Cir. 1990). In this case the semiconductor device taught by Akimoto would act as claimed when the body is reversed biased because the semiconductor device contains the appropriate first, second and intermediate regions, proper doping, and gate locations as structurally required by the claim.

5. Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by Mizutani et al. (US Patent 5,616,944 of record).

Claim 38: Mizutani teaches a semiconductor device comprising: a relatively thin intermediate region defined by sides including an upper portion and a sidewall portion; a first region dominated by a first polarization that extends to a first junction with the intermediate region; a second region dominated by a second polarization that extends to a second junction with the intermediate region; and a gate extending around and capacitively coupled to at least two sides of the intermediate region for coupling a voltage to the intermediate region, when the first and second regions are reversed

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biased, to present an electric field substantially at only one of the first and second junctions, the device responding to the electric field by switching from a stable conductance state to a current-conducting state in which the body is in an avalanche breakdown condition and current passes through the intermediate region (Fig. 1b, Col. 2-3).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akimoto (US PGPub 2002/0117689), as applied to claim 1 above, and further in view of Baba (US Patent 5,589,696 of record).

Regarding claim 8, as described above, Akimoto substantially reads on the invention as claimed, except Akimoto does not teach the gate is located at least predominantly over the second region. Baba teaches the gate (21) is located at least predominantly over the second region (FIG. 2) to be more highly integrated (Col. 4 lines 1-20). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device taught by Akimoto to have the gate



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located predominantly over the second region to be more highly integrated as taught by Baba (Col. 4 lines 1-20).

8. Claims 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani (US Patent 5,616,944 of record), as applied to claim 1 above, and further in view of Baba (US Patent 5,589,696 of record).

Claim 21: Mizutani teaches a memory circuit comprising: a data storage node; a multi-region body including a first region dominated by charge carriers of a first polarity that extends to a first junction, a second region dominated by charge carriers having a second and opposite polarity that extends to a second junction, and an intermediate region having an effective length extending from the first junction to the second junction; and a gate coupled to the body via an intervening dielectric material for using a control signal, when the body is reversed biased, to present an electric field substantially at only one of the first and second junctions, the body responding to the electric field by switching from a stable conductance state to a current-conducting state in which the body is in an avalanche breakdown condition and current passes between the data storage node and the body (FIG. 1; Col. 3-5).

Mizutani does not teach the gate being offset. Baba teaches a gate (21) offset to present an electric field substantially at only one of the two junctions (13/11 and 15/11) (FIG. 1, 2) creating offset current in the reverse biased mode (Col. 3 lines 1-15, Col. 4 lines 1-15). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device taught by Mizutani to have the gate located predominantly over the second region to create and offset current at

only one of the two junctions in the reverse biased mode as taught by Baba (Col. 3 lines 1-15).

Claim 22: Mizutani teaches the body and the gate are adapted to access data stored at the data storage node as a function of the avalanche breakdown condition (FIG. 1; Col. 3-5).

Claim 23: Mizutani teaches the body and the gate are adapted to read data from the data storage node as a function of the avalanche breakdown condition (FIG. 1; Col. 3-5).

Claim 24: Mizutani teaches the body and the gate are adapted to write data to the data storage node as a function of the avalanche breakdown condition (FIG. 1; Col. 3-5).

Claim 25: Mizutani teaches a charge at the data storage node is maintained by controlling the body in a reverse biased condition (FIG. 1; Col. 3-5).

Claim 26: Mizutani teaches the body and the storage nodes are adapted to drain a charge at the storage node in response to the body being placed in a forward biased condition (FIG. 1; Col. 3-5).

Claim 27: Mizutani teaches a memory circuit comprising: a data storage node; a multi-region body including a first region dominated by charge carriers having a first polarization that extends to a first junction, a second region dominated by charge carriers having a second polarity that is opposite the first polarity that extends to a second junction, and an intermediate region having an effective length extending from the first junction to the second junction; and a gate coupled to the body via an

intervening dielectric material for using a control signal, when the body is reversed biased, to present an electric field substantially at only one of the first and second junctions, the body responding to the electric field by switching from a stable conductance state to a current-conducting state in which the body is in an avalanche breakdown condition and current passes through the body as a function of a charge at the data storage node (FIG. 1; Col. 3-5).

Mizutani does not teach the gate being offset. Baba teaches a gate (21) offset to present an electric field substantially at only one of the two junctions (13/11 and 15/11) (FIG. 1, 2) creating offset current in the reverse biased mode (Col. 3 lines 1-15, Col. 4 lines 1-15). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device taught by Mizutani to have the gate located predominantly over the second region to create and offset current at only one of the two junctions in the reverse biased mode as taught by Baba (Col. 3 lines 1-15).

Claim 28: Mizutani teaches the data storage node is coupled to the gate, the gate responding to a charge at the data storage node by presenting the electric field (FIG. 1; Col. 3-5).

Claim 29: Mizutani teaches a sense device coupled to the body and adapted to detect data stored at the data storage node in response to current passing through the body (FIG. 1; Col. 3-5).

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-7, 9-17, 18-20, 32-37, 39 and 43 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's arguments filed 06/04/09 have been fully considered but they are not persuasive.

Regarding claims 21-29, Applicant argues that the 103 rejection of Mizuntani in view of Baba is incorrect because Baba's cited figure 2 discloses the gate being located over a heavily-doped degenerative region (27) and not over any intrinsic region as claimed, the presence of this region in combination with the Mizuntani reference would render Mizuntani's device inoperable. The combination of these references, however, is not using the presence of region (27) and is only moving or shortening the gate of Mizuntani to be offset at one of the first and second junctions. Moreover, applicant's claim language does not specify the doping of the intermediate region to be intrinsic. Further applicant's specification allows the intermediate region to be intrinsic, or doped as discussed on page 15 lines 15-30 which is taught by Baba in Col. 4 lines 15-45. Figure 2 of Baba is a modification of prior art Figure 1 which teaches offset current substantially located at only one of the first and second junctions.

Regarding claim 38, applicant argues that the 102(b) rejection of Mizuntani is improper because he does not teach "a gate offset to present and electric field substantially at only one of the two junctions". In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a gate offset to present and electric field

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substantially at only one of the two junctions) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Mizuntani teaches the invention as described in the above rejection and as required by the claim limitations. Further, Fig. 11B discusses using gates 1128 and 1148, which are both within and above the intrinsic regions of the device described in one of the embodiments of the instant application, the position of the gates used to create the desired operating results.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH K. SALERNO whose telephone number is (571)270-1266. The examiner can normally be reached on M-R 8:00-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2814

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. K. S./  
Examiner, Art Unit 2814

/Wael M Fahmy/  
Supervisory Patent Examiner, Art Unit 2814